



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NEW YORK 10007-1866

APR 25 2006

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Puerto Rico Industrial Development Company  
#355 FD Roosevelt Avenue Suite 404  
Hato Rey, Puerto Rico 00918  
Attn: Jorge P. Silva Puras, President

Re: Cidra Ground Water Contamination Site, Cidra, Puerto Rico

Notice of Potential Liability and Request for Information  
Pursuant to Comprehensive Environmental Response,  
Compensation, and Liability Act, 42 U.S.C. §§ 9601-9675

Dear Mr. Silva:

The U.S. Environmental Protection Agency ("EPA") is charged with responding to the release or threatened release of hazardous substances, pollutants and contaminants into the environment and with enforcement responsibilities under the federal "Superfund" law (the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. §§ 9601-9675).

EPA has documented the release and threatened release of hazardous substances into the environment at the Cidra Contaminated Groundwater Superfund Site (the "Site"), located in Cidra, Puerto Rico. On July 22, 2004, the Site was placed on the National Priorities List established under Section 105(a) of CERCLA, 42 U.S.C. § 9605(a). EPA is currently preparing a Remedial Investigation/Feasibility Study ("RI/FS") work plan which will be used to determine the nature and extent of the contamination at the Site and determine what remedial action, if any, is needed to address such contamination. This action is being conducted pursuant to EPA's authority under CERCLA.

## NOTICE OF LIABILITY

Under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), responsible parties may be held liable for all costs incurred by the federal government in taking response actions in connection with sites where there has been a release or threat of a release of a hazardous substance, including investigative, planning, removal, remedial, and enforcement actions. Responsible parties under CERCLA include, among others, the current owner or operator of a facility from which there has been a release or threatened release of hazardous substances or a previous owner or operator who at the time of disposal owned or operated a facility at which such hazardous substances were disposed. Based on available information, EPA has reason to believe that your company, as a current owner or operator of a portion of the Site, is a potentially responsible party ("PRP"), pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).

## REQUEST FOR INFORMATION

This letter seeks your cooperation in providing information and documents relating to the Site. A complete and truthful response to the enclosed Request for Information should be submitted to EPA within thirty (30) days of your receipt of this letter.

Under Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), EPA has broad information-gathering authority which allows EPA to require persons to provide information or documents relating to the materials generated, treated, stored or disposed of at or transported to a facility, the nature or extent of a release or threatened release of a hazardous substance, pollutant or contaminant at or from a facility, and the ability of a person to pay for or perform a cleanup.

While EPA seeks your cooperation in this investigation, your compliance with the Request for Information is required by law. When you have prepared your response to the Request for Information, please sign and have notarized the enclosed "Certification of Answers to Request for Information," and return that Certification to EPA along with your response. Please note that false, fictitious or fraudulent statements or representations may subject you to civil or criminal penalties under federal law. In addition, Section 104(e)(5) of CERCLA, 42 U.S.C. § 9604(e)(5), authorizes EPA to pursue penalties for failure to comply with requests for information.

It is possible that some of the information EPA is requesting may be considered by you to be confidential business information.

Please be aware that you may not withhold the information on that basis. If you wish EPA to treat all or part of the information confidentially, you must advise EPA of that fact by following the procedures described in the Instructions included in the enclosed Request for Information, including the requirement of supporting your claim of confidentiality.

If you have information about other parties who may have information which may assist EPA in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted to EPA within the timeframe noted above.

Please note that if after submitting your response you obtain additional or different information concerning the matters addressed by our information request, it is necessary that you promptly notify EPA.

This Request for Information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Sections 3501-3520.

Your response to this Request for Information should be mailed to the following individual:

Elizabeth Leilani Davis  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 17<sup>th</sup> Floor  
New York, NY 10007-1866

If you have any questions regarding this Request for Information or would like to discuss this matter with EPA, you may call Ms. Davis at (212) 637-3249.

We appreciate your attention to this matter.

Sincerely yours,



Raymond Basso  
Strategic Integration Manager  
Emergency and Remedial Response Division

Enclosures



## INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

### A. Directions

1. A complete and separate response should be given for each question.
2. Identify each answer with the number of the question to which it is addressed.
3. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the question to which it applies.
4. In preparing your response to each question, consult with all present and former employees and agents of your company whom you have reason to believe may be familiar with the matter to which the question pertains.
5. In answering each question, identify each individual and any other source of information (including documents) that was consulted in the preparation of the response to the question.
6. If you are unable to give a detailed and complete answer, or to provide any of the information or documents requested, indicate the reason for your inability to do so.
7. If you have reason to believe that an individual other than one employed by your company may be able to provide additional details or documentation in response to any question, state that person's name, last known address, phone number and the reasons for your belief.
8. If a document is requested but not available, state the reason for its unavailability. To the best of your ability, identify the document by author, date, subject matter, number of pages, and all recipients of the document with their addresses.
9. If anything is omitted from a document produced in response to this Request for Information, state the reason for, and the subject matter of, the omission.

10. If you cannot provide a precise answer to a question, please approximate but, in any such instance, state the reason for your inability to be more specific.
11. Whenever this Request for Information requests the identification of a natural person, or other entity, the person or entity's full name and present or last known address also should be provided.
12. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential business information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. Sections 9604(e)(7)(E) and (F), and 40 C.F.R. Section 2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim to be confidential, you must separately address the following points:

- a. the portions of the information which are alleged to be entitled to confidential treatment;
- b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
- c. measures taken by you to guard against the undesired disclosure of the information to others;
- d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
- e. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
- f. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp, or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. Please submit your response so that all non-confidential information, including any redacted versions of documents, are in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e) and 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

#### B. Definitions

1. As used herein, the term "Site" shall refer to the Cidra Ground Water Contamination Site located in Cidra, Puerto Rico, which includes, but is not limited to, four contaminated public supply wells located near the Cidra Industrial Park, Cidra, Puerto Rico, as well as the Cidra Industrial Park.
2. As used herein, "Cidra Industrial Park" shall mean all of the property situated within the industrial park, located off of Route 171, along Calle A, located in Cidra, Puerto Rico, regardless of whether or not such property is owned by the Puerto Rico Industrial Development Company.
3. As used herein, the term "hazardous substance" shall have the meaning set forth in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14). The substances which have been designated as hazardous substances pursuant to Section 102(a) of CERCLA (which, in turn, comprise a portion of the substances that fall within the definition of "hazardous substance" under Section 101(14) of CERCLA) are set forth at 40 CFR Part 302.
4. As used herein, the terms "hazardous waste," "disposal" and "storage" shall have the meanings set forth in Sections 1004(3), (5) and (33) of the Resource Conservation and



Recovery Act ("RCRA"), 42 U.S.C. §§ 6903(3), (5) and (33), respectively.

5. As used herein, the term "industrial waste" shall mean any solid, liquid or sludge or any mixture thereof which possesses any of the following characteristics:
  - a. it contains one or more "hazardous substances" (at any concentration) as defined in 42 U.S.C. § 9601(14);
  - b. it is a "hazardous waste" as defined in 42 U.S.C. § 6903(5);
  - c. it has a pH less than 2.0 or greater than 12.5;
  - d. it reacts violently when mixed with water;
  - e. it generates toxic gases when mixed with water;
  - f. it easily ignites or explodes;
  - g. it is an industrial waste product;
  - h. it is an industrial treatment plant sludge or supernatant;
  - i. it is an industrial byproduct having some market value;
  - j. it is coolant water or blowdown waste from a coolant system;
  - k. it is a spent product which could be reused after rehabilitation; or
  - l. it is any material which you have reason to believe would be toxic if either ingested, inhaled or placed in contact with your skin.
6. As used herein, the term "release" shall have the meaning set forth in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22).
7. As used herein, the term "PRIDCO" shall mean Puerto Rico Industrial Development Company and all of its subsidiaries, divisions or branches as well as all of its predecessors and its successors in interest, if any.
8. All terms not defined herein shall have their ordinary meanings, unless such terms are defined in CERCLA or RCRA, in which case the statutory definitions apply.
9. The term "identify" with respect to a natural person means to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position, or business.
10. The term "identify" with respect to a corporation, partnership, business trust or other association or business

entity (including a sole proprietorship) means to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.



### REQUEST FOR INFORMATION

1. If Jorge P. Silva Puras is not the Chief Executive Officer or other presiding officer of PRIDCO, please identify such person. Please also confirm the mailing address of that officer.
2. What is the nature of the business conducted by PRIDCO?
3. Please state the date or dates that PRIDCO acquired the land that now makes up the Cidra Industrial Park? Please provide all relevant deeds documenting such acquisition.
4. When was the Cidra Industrial Park created?
5. Please identify all parcels within the Cidra Industrial Park that are currently owned by PRIDCO. For those parcels not owned by PRIDCO, please identify the current owner(s).
6. Please identify all parcels within the Cidra Industrial Park that have been bought or sold by PRIDCO. Please include the name of the buyer of each parcel and provide copies of such deeds for each transaction.
7. Please provide all maps, plans and/or drawings of buildings located in the Cidra Industrial Park, beginning from construction of such buildings, to the present.
8. Please identify all entities that have ever leased property within the Cidra Industrial Park. Please state the dates of such leases and identify the premises that were leased. Please include copies of all relevant leases or other operating permits relating to the Cidra Industrial Park.
9. For each tenant identified, please describe in detail the manufacturing processes and any other operations conducted by each tenant at the Cidra Industrial Park. If those operations were not constant throughout such operations, describe the nature of all changes in operations and state the year of each change. As part of your answer to this question, also identify the types of materials (including hazardous substances) used, the products manufactured, processed or otherwise handled, and what hazardous wastes or industrial wastes were generated during and after the operating process. In addition, please describe how and where all wastes have been disposed of throughout the period of operations.

10. Identify all leaks, spills, discharges or releases into the environment of any hazardous substances, hazardous wastes, industrial wastes, pollutants, or contaminants at or from the Cidra Industrial Park. In responding to this question, please provide the following information:
  - a. When such releases occurred;
  - b. How the releases occurred;
  - c. The amount of each hazardous substance, waste, industrial waste, pollutant, or contaminant released;
  - d. Where such releases occurred;
  - e. Any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release;
  - f. Any and all investigations of the nature, extent or location of each release or threatened release including, the results of any soil, water (ground and surface), or air testing undertaken; and
  - g. All persons with information relating to these releases.
11. If any tenant or entity operating within the Cidra Industrial Park has or had a RCRA I.D. number applicable to operations at the Cidra Industrial Park, please provide that number.
12. Do you have any additional information or documents which may help EPA identify other individuals or companies which owned or operated the Cidra Industrial Park or any facility in Cidra, generally, at the time of disposal of any hazardous substances or who arranged for the treatment, or disposal of hazardous substances, hazardous wastes or industrial wastes at the Site? If so, please provide that information and those documents, and identify the source(s) of your information.
13. Identify each person answering this Request for Information and state whether such person has personal knowledge of the answers. In addition, identify each person who assisted or was consulted in the preparation of the response to this Request for Information.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of \_\_\_\_\_

County of \_\_\_\_\_:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that I am under a continuing obligation to supplement my response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or my response thereto should become known or available to me.

\_\_\_\_\_  
NAME (print or type)

\_\_\_\_\_  
TITLE (print or type)

\_\_\_\_\_  
SIGNATURE

Sworn to before me this

\_\_\_ day of \_\_\_\_\_, 2006

\_\_\_\_\_  
Notary Public